



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,576	11/08/1999	CHIH-MING CHEN	300.1003	5401
23280	7590	12/16/2004		
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018				
			EXAMINER GOLLAMUDI, SHARMILA S	
			ART UNIT	PAPER NUMBER
			1616	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Interview Summary**

10/603,254

Application No.

09/435,576

Applicant(s)

CHEN ET AL.

Examiner

Sharmila S. Gollamudi

Art Unit

1616

All participants (applicant, applicant's representative, PTO personnel):

(1) Sharmila S. Gollamudi.

(3) Gary Kunz.

(2) Richard Paradiso.

(4) \_\_\_\_\_.

Date of Interview: 14 December 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: pending.

Identification of prior art discussed: all.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

The references cited in the Office Action seem to be lacking motivation to manipulate the T<sub>max</sub> from 6.7 → 10 hours. It is not inventive to manipulate the parameters; however the motivation to do so needs to be provided. A possible Rule 105B requesting product data will be presented in the next office action. Appl will be willing to file TD over co-pending appl. The DP rejection over the US patent will be argued that the genus doesn't render the species (instant appl) obvious since genus could have same T<sub>max</sub> but not necessarily.

Pending further search, claims will be reconsidered

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required